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By: **Delegate Flanagan**  
Introduced and read first time: March 1, 2001  
Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Mass Transit Administration - Labor Disputes - Arbitration - Exceptions**

3 FOR the purpose of prohibiting the Mass Transit Administration from sending  
4 certain labor disputes concerning employee disciplinary actions to arbitration  
5 under certain circumstances; and generally relating to arbitration and labor  
6 disputes.

7 BY repealing and reenacting, with amendments,  
8 Article - Transportation  
9 Section 7-602  
10 Annotated Code of Maryland  
11 (1993 Replacement Volume and 2000 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article - Transportation**

15 7-602.

16 (a) In this section, "labor dispute" is to be construed broadly and includes any  
17 controversy as to:

- 18 (1) Wages, salaries, hours, or other working conditions;
- 19 (2) Benefits, including health and welfare, sick leave, insurance,  
20 pension, or retirement provisions;
- 21 (3) Grievances that arise; or
- 22 (4) Collective bargaining agreements, including:
  - 23 (i) The making or maintaining of any collective bargaining  
24 agreement;
  - 25 (ii) The terms to be included in it; or

1 (iii) Its interpretation or application.

2 (b) (1) [If] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,  
3 IF, in a labor dispute between the Administration and any employees described in §  
4 7-601 of this subtitle, collective bargaining does not result in agreement, the  
5 Administration shall submit the dispute to an arbitration board.

6 (2) THE ADMINISTRATION MAY NOT SUBMIT A LABOR DISPUTE TO AN  
7 ARBITRATION BOARD IF THE LABOR DISPUTE CONCERNS THE TERMINATION OF AN  
8 EMPLOYEE OR OTHER DISCIPLINARY ACTION TAKEN BECAUSE THE EMPLOYEE  
9 ENGAGED IN AN ACTIVITY THAT JEOPARDIZED THE SAFETY OF THE PUBLIC,  
10 INCLUDING USING OR BEING UNDER THE INFLUENCE OF ILLEGAL DRUGS OR  
11 ALCOHOL WHILE DRIVING A VEHICLE OWNED BY THE ADMINISTRATION.

12 (c) (1) The arbitration board shall consist of three members appointed as  
13 follows:

14 (i) One by the Administration;

15 (ii) One by the authorized representative of the employees; and

16 (iii) One jointly by the Administration and the authorized  
17 representative.

18 (2) If, within 10 days after the appointment of the second arbitrator, a  
19 third arbitrator has not been appointed, either arbitrator may request the Federal  
20 Mediation and Conciliation Service or any other entity specified by contract between  
21 the Administration and the authorized representative to furnish a list of five persons,  
22 from which the third arbitrator shall be selected. Promptly after receiving the list, the  
23 two appointed arbitrators shall determine the order of elimination by lot and, in the  
24 determined order, each shall eliminate one name alternately until only one name  
25 remains. The remaining person is the third arbitrator.

26 (3) The third arbitrator is the chairman of the board.

27 (d) A majority determination of the board is final and binding on all disputed  
28 matters.

29 (e) Each party shall pay 50 percent of the arbitration expenses.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 October 1, 2001.